

FALCONBRIDGE, C.J.—From the uncontradicted evidence it is manifest that it was understood by the parties that compensation for deceased's board and attendance should be made by will, and the compensation so to be made by will and not the making of the will formed the consideration for the boarding and care of deceased for the remainder of her life. Having regard to Dr. Chabot's evidence, the amount allowed is not too much.

Appeal dismissed with costs.

M. J. Gorman, Ottawa, solicitor for plaintiff.

Scott, Scott, Curle, & Gleeson, Ottawa, solicitors for defendants.

MARCH 12TH, 1902.

C.-A.

WEST v. BENJAMIN.

Partnership—Settlement—Accounting.

Appeal by plaintiff from order of MEREDITH, C.J., upon appeals by plaintiff and also defendant from a report of the Master at Napanee upon a reference directed by the Supreme Court of Canada to take partnership accounts between the parties from and inclusive of the 1st day of January, 1882, to the dissolution of the partnership, and including in such account all the rights and liabilities, assets and effects, belonging to the partnership, as they existed on the 1st day of January, 1882, and the dealings with such property since the dissolution. The judgment of the Supreme Court recited and confirmed a settlement arrived at on February 4th, 1882.

A. B. Aylesworth, K.C., and J. H. Madden, Napanee, for plaintiff. Pursuant to the judgment the report should have allowed as an asset of the partnership on January 1st, 1882, a sum of \$4,751, the amount of sundry private accounts of defendant, for which he had given partnership goods in payment and not been charged with their price, and also a sum of \$2,063.03 credited as paid by defendant for partnership debts, but paid for by delivery of partnership goods, not charged to him, and both these sums could be properly taken into account without disturbing the figures of matters agreed upon by the settlement of February 1st, 1882. The Master's finding that defendant had at the time of the settlement \$4,000 worth of unpaid promissory notes in his hands and